

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EDNEIL HANIF,

Petitioner,

V.

## ICE FIELD OFFICE DIRECTOR,

### Respondent.

CASE NO. C17-1238-RSM-BAT

## **REPORT AND RECOMMENDATION**

Edneil Hanif, who is currently detained by U.S. Immigration and Customs Enforcement at the Northwest Detention Center in Tacoma, Washington, has filed an application to proceed *in forma pauperis* (“IFP”) and a proposed petition for writ of habeas corpus under 28 U.S.C. § 2241. See Dkt. 4. Mr. Hanif’s trust account statement shows that he regularly has over \$100.00 in his account. Dkt. 4-2.

While the Court recognizes that Mr. Hanif's funds may not be great, it is not unreasonable to expect him to pay the minimal filing fee required to proceed with this action (\$5.00) given the fact that his basic needs are provided for while he is detained. Accordingly, the Court recommends that Mr. Hanif's application to proceed IFP, Dkt. 4, be DENIED, and that he be directed to pay the \$5.00 filing fee to proceed with this action. A proposed Order accompanies this Report and Recommendation.

## **OBJECTIONS AND APPEAL**

This Report and Recommendation is not an appealable order. Therefore a notice of appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the assigned District Judge enters a judgment in the case. Objections, however, may be filed no later than **October 2, 2017**. The Clerk should note the matter for **October 6, 2017**, as ready for the District Judge's consideration. The failure to timely object may affect the right to appeal.

DATED this 11th day of September, 2017.

  
BRIAN A. TSUCHIDA  
United States Magistrate Judge